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Before the
Federal Communications Commission
Washington, DC 20554

FCC Mailroom

In the Matter of

) EB Docket No. 03-152

WILLIAM L. ZAWILA

) Facility ID No. 72672

Permittee of FM Station KNGS
Coalinga, California

) DOCKET FILE COPY ORIGINAL

AVENAL EDUCATIONAL SERVICES, INC.

) Facility ID No. 3365

Permittee of FM Station KAAX,
Avenal, California

CENTRAL VALLEY EDUCATIONAL
SERVICES, INC.

) Facility ID No. 9993

Permittee of FM Station KYAF,
Firebaugh, California

H. L. CHARLES d/b/a FORD CITY
BROADCASTING

) Facility ID No. 22030

Permittee of FM Station KZPE,
Ford City, California

LINDA WARE d/b/a LINDSAY
BROADCASTING

) Facility ID No. 37725

Licensee of FM Station KZPO,
Lindsay, California

- To: Marlene H. Dortch, Secretary, FCC
Chairman and Commissioners of the
FCC

OPPOSITION TO THE ENFORCEMENT BUREAU'S MOTION
FOR LEAVE TO FILE A REPLY TO THE ZAWILA PARTIES'
EXCEPTIONS TO SUMMARY DECISION (FCC 17M-28)

The Estate of Linda Ware, Cynthia Ramage, Executor, the
Estate of H.L. Charles, Robert Willing, Executor, and William L.
Zawila hereby submit their Opposition to the Enforcement Bureau's

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Motion for Leave to File a Reply to the Zawila Parties' Exceptions to Summary Decision in the above-referenced matter (FCC 17M-28).

On 8-10-17, the presiding judge in the above-referenced hearing proceeding issued a Summary Decision (FCC 17M-28) in which he ordered that "this proceeding IS TERMINATED, and is now CERTIFIED to the Commission in accordance with 47 CFR §1.92." (At page 17, FCC 17M-28).

While 47 CFR §1.92 deals exclusively with three situations in which a hearing is waived, none of these three circumstances occurred in this case. The only three circumstances covered by 47 CFR §1.92 include 1) failure to file a timely written appearance, 2) failure to appear at the time and place of the scheduled hearing, and 3) filing a written statement expressly waiving a hearing within the time allowed to file a written appearance. No other circumstances are covered by 47 CFR §1.92.

None of the above-mentioned circumstances apply to this case as the respondents did file a timely appearance, they did not fail to appear for a hearing as they were denied their right to a hearing by the presiding judge, and they never filed a written statement waiving their right to a hearing.

Clearly, the circumstances of 47 CFR §1.92 do not apply to this case but, notwithstanding this fact, the presiding judge used 47 CFR §1.92 as his basis for terminating the above-mentioned hearing proceeding and certifying this case to the Commission.

Once the above-referenced hearing proceeding was terminated, the rules applicable to a hearing proceeding had no further effect

ona hearing proceeding that had been terminated as there was no hearing proceeding for them to apply.

The within motion cites 47 CFR §1.211 requiring service of pleadings "in a hearing proceeding". However, this situation does not exist in this case as there was no "hearing proceeding" in existence at the time when the Zawila Parties' Exceptions were filed on 9-8-17.

As noted above, the presiding judge terminated the hearing proceeding in this case based on 47 CFR §1.92.

The within motion also cites 47 CFR §1.47(c) requiring service of pleadings "in any proceeding." However, with the termination of the above-referenced hearing proceeding as noted above, there were no other proceedings in existence on 9-8-17 when the Zawila Parties' Exceptions were filed with the FCC.

The within motion cites no rule requiring service of the Zawila Parties' Exceptions after the hearing proceeding has been terminated and there is no other proceeding in existence.

UNTIMELY -

The deadline for filing any reply to the exceptions in this case was 9-21-17.

The motion itself acknowledges that the FCC received the subject exceptions on 9-8-17, but the within motion was not filed until almost 2 months later on 11-9-17.

It was well within the capabilities of the enforcement bureau to remain aware of events and developments in this case and to file timely reply to the subject exceptions in this case. However, the enforcement bureau did not do this and failed to file

a timely reply to the subject exceptions in this case.

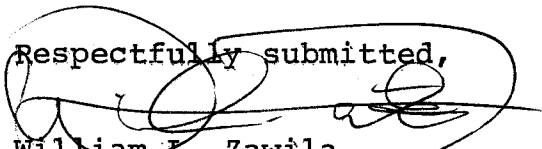
CONCLUSIONS -

For the reasons and points discussed above, the within motion should be denied.

11-15-17

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Respectfully submitted,



William L. Zawila
Attorney for the Estate of
Linda Ware, Cynthia Ramage,
Executor, the Estate of H.L.
Charles, Robert Willing, Execu-
tor, and William L. Zawila

CERTIFICATE OF SERVICE

I, William Zawila, hereby certify that a copy of the foregoing Opposition to Enforcement Bureau's Motion for Leave to File a Reply to the Zawila Parties' Exceptions to Summary Decision was served on the following by U.S. First Class Mail, postage prepaid, on 11-15-17:

Chief Administrative Law Judge
Richard L. Sippel
FCC

445 12th Street, S.W. - Room 1-C768
Washington, D.C. 20554

Pamela S. Kane, Esquire
Investigations and Hearings Division
Enforcement Bureau
FCC

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William Zawila